

By: Phillips

H.B. No. 2139

Substitute the following for H.B. No. 2139:

By: Casteel

C.S.H.B. No. 2139

A BILL TO BE ENTITLED

AN ACT

relating to certain agreements by the Texas Department of  
Transportation involving pass-through tolls.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 222.104, Transportation Code, is amended  
by adding Subsections (f) and (g) to read as follows:

(f) To the maximum extent permitted by law, the department  
shall delegate the full responsibility for design, bidding, and  
construction, including oversight and inspection, to a  
municipality, county, regional mobility authority, or regional  
tollway authority with whom the department enters into an agreement  
under this section.

(g) An agreement under this section must provide that a  
municipality, county, regional mobility authority, or regional  
tollway authority is required to meet state design criteria,  
construction specifications, and contract administration  
procedures unless the department grants an exception.

SECTION 2. Subchapter E, Chapter 222, Transportation Code,  
is amended by adding Section 222.1045 to read as follows:

Sec. 222.1045. CONTRACTS OF CERTAIN PUBLIC ENTITIES. (a)  
In this section, "public entity" means a municipality, county,  
regional mobility authority, or a regional tollway authority.

(b) A public entity may contract with a private entity to  
act as the public entity's agent in:

1           (1) the design, financing, maintenance, operation, or  
2 construction, including oversight and inspection, of a toll or  
3 nontoll facility under Section 222.104(b); or

4           (2) the maintenance of a state highway or a portion of  
5 a state highway converted to a toll facility under Section  
6 222.104(c).

7           (c) A public entity shall:

8           (1) select a private entity under Subsection (b) on  
9 the basis of the private entity's qualifications and experience;  
10 and

11           (2) enter into a project development agreement with  
12 the private entity.

13           (d) A private entity selected shall comply with Chapter  
14 1001, Occupations Code, and all laws related to procuring  
15 engineering services and construction bidding that are applicable  
16 to the public entity that selected the private entity.

17           (e) A public entity may assign the public entity's right to  
18 payment of pass-through tolls under Section 222.104(b) or  
19 222.104(c) to the private entity.

20           SECTION 3. This Act takes effect immediately if it receives  
21 a vote of two-thirds of all the members elected to each house, as  
22 provided by Section 39, Article III, Texas Constitution. If this  
23 Act does not receive the vote necessary for immediate effect, this  
24 Act takes effect September 1, 2005.